

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ERIKA HERNANDEZ,

Plaintiff,

v.

Case No: 2:20-cv-871-JLB-NPM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On November 4, 2021, the Magistrate Judge entered a Report and Recommendation (“R&R”), recommending that Plaintiff Erika Hernandez’s Unopposed Motion (Doc. 21) for Attorney’s Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d) be granted. (Doc. 24.) No party has objected and the time to do so has expired.


A district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record—and noting that no objection has been filed—the Court agrees with the R&R.

Accordingly, it is **ORDERED**:

1. The R&R (Doc. 24) is **ADOPTED**, and Plaintiff's Motion for Attorney's Fees (Doc. 21) is **GRANTED**.
2. The Court awards Plaintiff \$7,257.25 in attorney's fees.
3. If the United States Department of the Treasury determines that Ms. Hernandez does not owe a federal debt, the Government will accept her assignment of EAJA fees and pay fees directly to her counsel.
4. The Clerk is **DIRECTED** to enter judgment accordingly.

ORDERED at Fort Myers, Florida, on November 29, 2021.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE